

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROSE MARY MILES-RICHARDSON,

Case No. 09-11275

Plaintiff,

District Judge Lawrence P. Zatkoff

v.

Magistrate Judge R. Steven Whalen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER DENYING APPOINTMENT OF COUNSEL**

Plaintiff Rose Mary Miles-Richardson has submitted an application for appointment of counsel [Docket #3] in this Social Security Disability appeal. Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

The Court has by separate order granted Ms. Miles-Richardson *in forma pauperis* (IFP) status, permitting her to proceed without prepayment of fees, and has also ordered that her complaint be served by the United States Marshal. Following service, the Defendant Commissioner will file an answer, along with the administrative record, and

the Court will set a schedule for the filing of briefs. At this time, however, it does not appear that this case presents exceptional circumstances that would compel the appointment of counsel. Ms. Miles-Richardson will be afforded some latitude in how she composes her written arguments, and indeed, the Court will permit her to submit a narrative letter explaining why she thinks the Commissioner made the wrong decision, and why she thinks she is entitled to benefits. In deciding the case, the Court will also independently review the administrative record.

Therefore, the Plaintiff's application for appointment of counsel [Docket #3] is DENIED.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: April 24, 2009

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on April 24, 2009.

S/G. Wilson  
Judicial Assistant